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11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**

14 **FEDERAL TRADE COMMISSION,**

Petitioner,

15
16 v.

17 **RALPH PAGLIA,**

18 Respondent.

Case No. 2:14-cv-01480-GMN-CWH

19
20 **NOTICE OF FEDERAL TRADE COMMISSION**
21 **FOR WITHDRAWAL OF MOTION FOR ORDER TO SHOW CAUSE**
22 **AND MOTION TO VACATE ORDER TO SHOW CAUSE AND HEARING**
23 **AND ORDER THEREON**

24 The Federal Trade Commission (FTC or Commission) hereby withdraws its
25 Motion for an Order to Show Cause (Dkt. 11), and moves this Court to vacate its Order
26 to Show Cause (Dkt. 15) and the Show Cause Hearing scheduled for April 28, 2015.

1 In support of its motion, the Commission avers as follows:

2 1. On January 6, 2015, the FTC asked this Court to order Ralph Paglia to
3 show cause why he should not be held in contempt for disobeying this Court's Order of
4 October 28, 2014, (Dkt. 9), which directed Mr. Paglia to respond—within 14 days of
5 service—to two Civil Investigative Demands (CIDs) issued by the FTC on May 2 and
6 June 18, 2014.¹

7
8 2. As requested, this Court issued an Order to Show Cause on March 9, 2015
9 (Dkt. 12).

10
11 3. The United States Marshal Service, which was directed to serve that order
12 on Mr. Paglia, filed an “unexecuted” return of service on March 26, 2015 (Dkt. 13). The
13 return of service showed that the Marshal Service had attempted, but failed, to serve
14 Mr. Paglia on three occasions.

15
16 4. On March 31, 2015, this Court re-issued the Order to Show Cause (OSC) at
17 the FTC's request, scheduling a hearing for Tuesday, April 28, 2015. (Dkt. 15).

18
19 5. The Marshal Service again attempted to serve the OSC on Mr. Paglia, but
20 was unable to do so. It filed an “unexecuted” return of service of the OSC on April 17,
21 2015 (Dkt. 17). The amended return of service filed on April 21, 2015 (Dkt. 18), details

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23 ¹ The CIDs required Mr. Paglia to provide documents, answer interrogatories, and give
24 oral testimony. They were duly issued in the course of a Commission investigation into
25 whether he participated in an alleged group boycott of TrueCar, Inc.—an automotive
26 marketing firm—in violation of Section 5 of the Federal Trade Commission Act, 15
U.S.C. § 45. Mr. Paglia failed to respond to the two CIDs, prompting the FTC to seek
the aid of this Court in enforcing the Commission process.

1 the extensive, but unavailing, efforts that the Marshal Service has undertaken to find
2 and serve Mr. Paglia.

3 To allow it the time to consider its options in light of this inability to effectuate
4 service of process, the FTC hereby withdraws its motion for an order to show, and asks
5 that this Court vacate its OSC of March 31, 2015, and the hearing scheduled for April
6 28, 2015.
7

8 Respectfully submitted,

9 JONATHAN E. NUECHTERLEIN
10 General Counsel

11 JOEL MARCUS
12 Director of Litigation

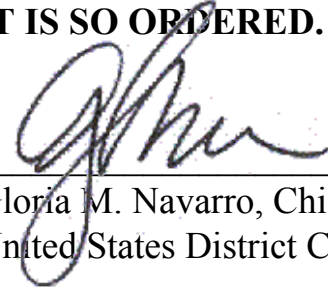
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21 Dated: April 23, 2015.

22 **IT IS SO ORDERED.**

23 
24 _____
25 Gloria M. Navarro, Chief Judge
26 United States District Court

DATED: 04/24/2015